

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 11-40068-01-RDR

TERRI L. MORRIS,

Defendant.

O R D E R

This case is before the court upon defendant's motion to extend time from February 17, 2012 to produce a summary of expert testimony and to continue the jury trial currently set for March 12, 2012. No opposition has been filed to the motion.

Defense counsel has previously filed a notice of intent to present expert testimony bearing upon defendant's mental condition. At an earlier hearing, the court was furnished with information to support a possible defense of mental impairment. Counsel, however, has not yet secured an expert who has committed to providing such testimony. The motion before the court seeks additional time for this to happen. In support of the motion, counsel states that defendant's social security disability records were only recently obtained on February 16, 2012. In addition, counsel notes that defendant has had multiple treatment providers.

This case has been pending for approximately six months. The court is anxious for it to proceed. Nevertheless, the court

respects defendant's need to find an expert to support what may be a plausible defense or evidence in mitigation of sentence.

Accordingly, the court shall grant defendant's motion and extend the time to provide a summary of expert testimony to April 18, 2012. The trial of this case shall be continued to May 15, 2012. The court has reviewed the factors relating to the Speedy Trial Act in previous orders and shall not repeat them here. The court believes that a continuance is in the interests of justice because additional time is needed for defense counsel to determine who may be able to provide expert testimony for a plausible defense. The decision as to how to proceed with such testimony may be critical to the provision of effective representation. Defendant does not appear to be a danger to the community while on release. Accordingly, the court finds that the continuance granted in this order is in the interests of justice which outweigh the interests of the public and the defendant in a speedy trial. Therefore, the continuance granted in this order constitutes excludable time under 18 U.S.C. § 3161(h)(7).

Defense counsel is cautioned, however, that the court will not likely grant another request for time to secure expert testimony.

IT IS SO ORDERED.

Dated this 27th day of February, 2012 at Topeka, Kansas.

s/Richard D. Rogers
United States District Judge